

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Amanda Whatley, SSgt. Joshua Whatley,)	Civil Action No. 9:17-cv-02716-DCN
Leah Fuhrman, PO1 Randy Fuhrman,)	
Stephany Cross, SSgt. Paul Cross, CW4)	
Robert Domen, Victoria Howe,)	
GySgt. Scott Howe, Jenna Risher, Sgt.)	
Levi Risher, On Behalf of Themselves)	
and All Others Similarly Situated,)	
)	
Plaintiffs,)	
v.)	CONSENT PARTIAL STIPULATION
)	OF DISMISSAL AS TO CERTAIN
Atlantic Marine Corps Communities)	CLAIMS AND DEFENSES
LLC, d/b/a Atlantic Marine Corps)	
Communities at Tri-Command, f/k/a Tri-)	
Command Managing Member LLC,)	
a/f/k/a Tri-Command Military Housing)	
LLC, and Atlantic Marine Corps)	
Communities Property Management)	
LLC,)	
)	
Defendants.)	
_____)	

The Parties, pursuant to FRCP 41 (a)(1)(A)(ii), by and through their undersigned attorneys, stipulate that certain claims and defenses in the above captioned matter are hereby dismissed as follows:

1. The claims asserted in the First Amended Complaint by Plaintiffs Amanda Whatley, Leah Fuhrman, Stephany Cross, Victoria Howe, and Jenna Risher are hereby dismissed. However, this dismissal shall not preclude or be a defense to any claims these parties may assert in the future for alleged personal injuries or death alleged to result from exposure to conditions at Laurel Bay insofar as those claims are not at issue in this litigation, as to which Defendants preserve all defenses to such claims despite this stipulation;

2. The words “or resided in” are dismissed from paragraph 14 of the First Amended Complaint;

3. The words “and Occupants” are dismissed from paragraph 75 of the First Amended Complaint; and

4. Unless the Court dismisses Plaintiffs’ First Amended Complaint in its entirety, Plaintiffs have agreed to mediate this case as soon as possible after the Court’s ruling on Defendants’ pending Motion to Dismiss, with consideration given to the parties’ agreement on a suitable mediator and coordination of scheduling between the attorneys, parties and mediator. In turn, Defendants have agreed to not pursue, and ask the Court to defer a ruling on, Defendants’ second argument in its Motion to Dismiss – that the case is not ripe for review due to Plaintiffs’ failure to seek mediation, until after the Parties have attempted to engage in mediation.

If the Court does not dismiss the case in its entirety after ruling on Defendants’ Motion to Dismiss, the Parties request the Court stay the case while the Parties engage in mediation.

WE SO STIPULATE:

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